

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Miguel Ramirez,

Petitioner,

v.

Warden, Kershaw Correctional Institution,

Respondent.

No. 0:13-cv-2458-RMG

**ORDER**

This matter is before the Court on Petitioner's motion for relief from judgment pursuant to Rule 60(b)(1) of the Federal Rules of Civil Procedure. (Dkt. No. 13). For the reasons set forth below, this motion is granted.

On December 4, 2013, the Court issued an order and entered judgment dismissing without prejudice Petitioner's petition for writ of habeas corpus for failure to timely pay the filing fee. (Dkt. Nos. 10, 11). On December 13, 2013, Petitioner filed the present motion for relief from the judgment because the delay in making the payment was caused by the South Carolina Department of Corrections' late submission of the payment to the Court. Petitioner has provided documents supporting the motion. (Dkt. No. 13-1). It appears to the Court that this petition has been brought into proper form and that the late submission of payment was due to excusable neglect.

Accordingly, Petitioner's motion for relief from the judgment is GRANTED. (Dkt. No. 13). The Court hereby VACATES its prior order dismissing this petition (Dkt. No. 10) and recommit this matter to the Magistrate Judge for further proceedings.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'RM Gergel', written over a horizontal line.

Richard Mark Gergel  
United States District Court Judge

December 16, 2013  
Charleston, South Carolina